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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO AND SAN JOSE DIVISIONS

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc. et al.,

Defendant.

United States,

Plaintiff,

v.

Anthony Levandowski,

Defendant

) Case No. CV 17-939 WHA

) [COMPLAINT FILED FEBRUARY 23, 2017]

) Case No. CR 19-377 LHK

) [INDICTMENT FILED AUGUST 15, 2019]

) **DEFENDANT ANTHONY**
) **LEVANDOWSKI'S RESPONSE TO**
) **NOTICE OF RELATED CASE**
) **PURSUANT TO LOCAL RULE 8-1(D)**

1 The prosecution has filed a Notice of Related Case pursuant to Local Rule 8-1. *See*
 2 *United States v. Levandowski*, N.D. Cal. No. CR 19-377 LHK, Dkt. 5; *see also Waymo LLC v.*
 3 *Uber Tech., Inc. et al.*, N.D. Cal. No. CV 17-939 WHA (“*Waymo v. Uber*”), Dkt. 2704. In the
 4 notice, the government explains its view that the above-captioned criminal matter is related to
 5 *Waymo v. Uber* because “[b]oth actions concern one or more of the same alleged events,
 6 occurrences, transactions, or property” and “there will be some duplication of labor if the [two
 7 cases] are heard by different judges.” *Levandowski*, CR 19-377 LHK, Dkt. 5 at 2-3. The defense
 8 concurs.

9 To be clear, Anthony Levandowski has pled not guilty in the criminal case and denies the
 10 allegations contained in the government’s indictment. Nevertheless, without conceding the
 11 *accuracy* of any of the contentions set forth in the government’s “Brief Statement of the
 12 Relationship Between the Cases,” we accept the government’s *recital* of the allegations in the
 13 criminal action and its description of the proceedings in *Waymo v. Uber*. *See id.* at 2. In
 14 particular, we note the government’s recital that Mr. Levandowski “was not a party to the civil
 15 action, but his alleged theft of Google files related to self-driving technology was central to
 16 Waymo’s theory of the case,” and the government’s report concerning specific allegations that
 17 arose in the earlier civil matter and now recur in the instant criminal case:

18 The Indictment identifies thirty-three specific files alleged to contain trade secrets.
 19 The technology revealed in at least twelve of the files was the subject of litigation
 20 in the civil case. For example, Counts One through Six of the Indictment relate to
 21 Google’s transmit block configuration, trade secrets numbers two and seven in the
 22 civil case. Count Twenty-Seven of the Indictment is a presentation regarding
 23 Google’s unique fiber laser design and was trade secret number ninety in the civil
 24 case.

25 *Id.*

26 In light of the relationship between certain allegations in the two cases, the overlap
 27 between the technologies at issue in the two cases, and the extensive litigation relating to these
 28 highly technical matters that Judge Alsup already oversaw in *Waymo v. Uber*, the defense

believes that the two “actions appear likely to entail substantial duplication of labor if heard by different Judges.” Local Rule 8-1(b)(2). Accordingly, “assignment to a single Judge is . . . likely to conserve judicial resources and promote an efficient determination” of the instant criminal case. Local Rule 8-1(c)(4).

Date: August 29, 2019

Respectfully submitted,

/s/

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